CRIMINAL DOCKET UNITED STATES DISTRICT COURT

	TII	CLE OF CASE				ATTORNEYS			
	THE U	NITED STATES	***************************************			For U. S.:			
		vs.				Lawrence A. McSoud			
						Dawrence 1	7. 110	bouu	
		Emmett Mitch Faye Hohenbe							
		-							
						For Defendant Irvine Un Robert Bro	oerms	in 10	Mitche Appt
						Hobert Bri		(tt.)	Apptd.
						Tulsa, Oki	lahom		
						Ollie W. (1277 Ct. Apr
						Mayo Builo	ding_		
STATISTIC	CAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	RE	1	disb.
	6-30-68 (Mitche	11 /							
J.S. 2 mailed /-3/- 68		Clerk							
J.S. 3 mailed 2-29-68(2)		Marshal							
Violation Kidnapping		Docket fee						***************************************	
Title 18									
Sec. 1201		The second secon					, , 20		
DATE			P	ROCEED	INGS			<u> </u>	
12-68 I	and a transfer of	3 - 3 - 3							
12 - 68 R	ecord vote o	nt filed in open court. w ote of the Grand Jury filed in open court. w							
16-68 I	Defendants, I	David Emmett Derson and each	Mitch	nell	and Let	ha Faye Hoh	enber 2 000	ger,	each
1	luesday, Janu	ery 23, 1968	at]	10:00	A. M.	(Allen E. B	arrov	v-Jud	ge) (M-
19-68 D 19-68 D	Tuesday, January 23, 1968 at 10:00 A. M. (Allen E. Barrow-Judge) (M-O Defendants' Motion for Discovery and Inspection, filed. w Defendants' Motion for Disclosure of Matters Occurring before								
t	the Grand Jury, filed. w								
et	Case set for hearing on filing and delivery of copies of jurors, witne etc., on Tuesday 1-30-68 at 10:00 A.M. (AEB-J)h					s, witne			
1-23-68 Defendants each present in person and each represented motion for discovery and inspection sustained; governments									
		scovery and 1 endant Jury l							
1 "									

before Grand Jury sustained. Defendant granted permission to file

application for private investigator. Defendant Mitchell arraigned and enters plea of NOT GUILTY. Defendant Hohenberger arraigned and enters plea of NOT GUILTY, and case set for Jury Trial on 2-5-68 at

10:00 A.M. (Allen E. Barrow-Judge)h

DATE	PROCEEDINGS
2-14-68	Defendants each present in person and represented. Defendants each waive jury in open court. Waivers of jury signed and filed. Defendants execute petitions to enter pleas of guilty in open court. Defendant David Emmett Mitchell withdraws plea of got guilty and enters plea of GUILTY; and is adjudged GUILTY. Defendant Letha Faye Hohenberger withdraws plea of not guilty and enters plea of GUILTY; and is adjudged GUILTY. Sentence as to each defendant is passed to Thursday, 2-15-68 at 10:00 A.M.(AEB-J)h Defendants David Emmett Mitchell and Letha Faye Hohenberger each present in person and each represented by counse. Defendant David Emmett Mitchell represented by Rogert G. Brown, ct. appt. counsel and defendant Hohenberger represented by Ollie Gresham, ct. appt. counsel.
	Judgment and Sentence- David Emmett Mitchell (26)
.E.e.	Atty Gen- for Life.
	The court recommends that the defendant first be committed to the US Med. Center, Springfield, Mo. for evaluation and and study; report to be made
	at the expiration of 90 days.
	Judgment and sentence- Letha Faye Hohenberger (29)
2-14-68 2-14-68 2-23-68	Atty Gen- 50 years.(Allen E. Barrow-Judge)h Order of J&C filed and entered. (AEB-J)h Two c.c. of J&C delivered to USM.h Filed letter from defendant, David Emmett Mitchell, stating that he is satisfied with results of his case and that he does not wish to file a motion for
2-26-68	new trial or perfect any appeal. w Notice of appeal filed by defendant Letha Faye Hohenberger. Cpy. to McSoud. g Statement of docket entries sent to USCA, Denver. g
2-27-68	Petition and Affidavit for leave to proceed in forma Pauperis pursuant to 28 USCA 1915 as to defendant Letha Faye Hohenberger filed. h
2-27-68	Return on service of Commitment as to defendant David Emmet Mitchell, filed. Executed by delivering defendant to U.S. Medical Center at Springfield, Mo.
2-29-68	Order appointing Irvine E. Ungerman as attorney for David Emmett Mitchell and relieving Robert G. Brown from further responsibility filed. e
2-29-68	Order granting defendant Letha Faye Hohenberger leave to prosecute appeal in forma pauperis, filed. (Allen E. Barrow, Judge)g cpy to counsel & Rptr.
3-1-68	Order filed in regard to report from the United States Medical Center, Springfield, Missouri, relate itself specifically to whether or not David Emmett Mitchell was competent to enter a voluntary plea on
3-4-68	January 25, 1968, etc. (Allen E. Barrow - Judge) Defendant application for psychiatric examination of defendant David Emmett Mitchell, filed. w
3-11-68	Return on service of J&C as to defendant Hohenberger. Executed by delivering
3-27-68 4-4-68 4-4-68 4-4-68 4-5-68 4-5-68 4-10-68	defendant to Federal Reformatory for Women at Alderson, W.Va on 3-4-68.h Motion to vacate under 4244 T. 18 USC filed by defendant Mitchell. h Transcript of Arraignment on Jan. 16, 1968, filed. g (1+2 copies) Transcript of Arraignment and Plea on Jan. 23, 1968, filed. g (1+2 cpies) Transcript of Arraignment and Change of Plea on Jan. 25, 1968, filed. (1+2)g Transcript of Sentencing on Feb. 14, 1968, filed. (1+2)g Order discharging Ollie W. Gresham as counsel for Letha Faye Hohenberger. (AEE Transcript of documents in lieu of record on appeal sent to USCA, Denver. g Record on appeal forwarded to USCA, Denver. g

DATE	DATE PROCEEDINGS					
DATE	, nocedance					
	Case set on hearing on government's motion to withdraw plea of guilty and set aside conviction, on Tuesday, June 11, 1968 at 10:00 A M (AEB-J)h as to defendant Mitchell.					
6_4_68	Petition for writ of habeas corpus ad testificandum, filed. ds					
6-4-68	Order granting writ of habeas corpus ad testificandum, filed. (AEB-J) Writ issued. ds					
6-5-68	Motion of defendant, David Emmett Mitchell, to vacate and set aside					
	conviction of defendant and to withdraw plea of guilty, filed. b Defendant David Emmett Mitchell present in person andrepresented. Hearing held on motion of defendant to set aside conviction and withdraw plea of guilty; motion joined by government; motion sustained, and court sets aside plea of guilty heretofore entered on 1-25-68 and sets asided conviction. Defendant moves for dismissal of charges and it is overruled. Court orders that motion under 2255 in 68-C-58 is dismissed, inasmuch as it is moot, and all other motions in that case inasmuch as they are moot. Plaintiff requests that defendant Mitchell be committed under 4248 T. 18.					
	Judgment and Sentence- David Emmett Mitchell					
	Attorney General- pursuant to T. 18 USC 4248. Court directs U.S. Attorney to prepare proper order. Defendant's request that transcript of hearing of this date be admitted into Evidence as a permanent record is granted by the court. (AEB-J)h Return of Writ of Habeas Corpus Ad Testificandum, filed. js Order and commitment filed and entered. It is ordered and determined that defendant David Emmett Mitchell to have beggn mentally incompetent at the time of trial and judgment of conviction/entered 2-14-68 be vacated and set aside and plea of guilty entered 2-25-68 is withdrawn, AND FURTHER ADMUDGED that the defendant be committed to the custody of the Attorney General or his authorized representative until he shall be mentally competent to stand trial, or until his mental condition is so improved that if he be released he will not endanger the safety of of officers, etc, of the US, or until suitable arrangements have been made for the custody					
6-21-68	and care of the defendant be the state of his residence, whichever event shall first occur. (copy of same mailed to US Med. Center, Springfield, Mo.)(Allen E. Barrow-Judge)h Mandate of U.S.C. of A. filed and spread of record: Appeal of Letha					
6-22-71	Case called for Hearing On Government's Motion to Dismiss. Parties represented. Statements made. Letter from Texas Dept. of Mental Health & Retardation entered as an Exhibit #1 by Govt. Motion to Dismiss of Govt filed. Order on Government's Motion to Dismiss sustaining Indictment and indictment is ordered dismissed. U. S. Marshal is ordered to transport deft from Springfield, Missouri, to Rusk State Hospital, at Rusk, Texas Filed. (AEB-J)r					
7-1-7]	Order on government's motion to dismiss the indictment. The U.S. Marshal is ordered to transport defendant from Springfield, Mo., to Rusk State Hospital, at Rusk, Texas; which he did 6-27-71, filed. v					
5-9-72						
· · · · ·	at govt. expenses is overruled and dismissed. (AEB-J)hm (copies mailed)					
	18 record					
12.26	Order, filed, that deft's request (Letha Faye Hohenberger) for a transcript at govt. expenses is overruled and dismissed. (AEB-J)hm (copies mailed)					

PROCEEDINGS DATE

A.O. 100 (Rev. 1-59)

UNITED STATES COMMISSIONER NORTHERN OKLAHOMA DISTRICT OF

RECORD OF PROCEEDINGS IN CRIMINAL CASES

Commissioner's DOCKET NO. 1. Case No. 322. THE UNITED STATES Vs. Pavid Frameth Mitchell and Lethe Fays Nohenberger also shown as Lethe Fays Nohenberger also shown as Lethe Fays Vandregree in Interest to Counce From Bath Lethe Fays Nohenberger also shown as Lethe Fays Vandregree in Interest to Counce From Bath Lethe Fays Nohenberger also shown as Lethe Fays Vandregree In Interest to Counce From Bath Lether Fays Nohenberger also be a far a late of the Case	BEFORE Charl			Miami, Oklahoma,	
United States Code, Title. 18. Section. 1201, on 1-1-68. David Emmett Mitchell and Leths Fave Nohenberger also be nown, as Leths fave Vindervery also because the Minimal Collaboration of the Northern district of Oklahoma as follows: unlastfully sais, kidney, and schuck Geo benown, as Leths fave Vindervery and College in Interstate commerce from Dill Teass, to Mismi, Oklahoma, in a 1957 Pontiac CTO VI 17-400 Misming of the Northern College in Commerce from Dill 2421774125721 begins 1970 fews License Us. CCF 66 and at a Plans Lithern A. Warrant Summons for Commerce between Palias, trakes, and transport of the Commerce of the Co		(Manue of continuesioner	· · · · · · · · · · · · · · · · · · ·	(Address)	
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to (name and title of officer) # 1 Separation of the state of the stat	hann as lath:	a Fave Viditors	e <u>prayton mooper at p</u>	allds, lexas, and trai	nsport of
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to (name and title of officer) # 1 Separation of the state of the stat	,	2	42177K125721 bearing	1967 Texas License No.	CGP 66
to (name and title of officer) # 1 Separation of the state of the stat	WARRANTS OF SUMME	ONG TOGYUND	nd at a place wurknown ommerce between Dalla	nary of tacks constituting offense, charged) at several severa	ersta te Oklahoma
Substance of return Recd 1-4-08 at Miami, Okla and executed by arrest of Pavid Emmitted Mitchell and Eaths Fays Unhenberger aka Leths Fays Vandiver. Date.	Date 1-4-68	JNS 185UED: Warrant /9:	ummong for sevil franch	With the Land Jakks Court	- !!
Date Warrant/Summons for. to (name and title of officer). Substance of return. PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER: Date 1-4-68 Arrested by Special Agent, FB1 (on warrant of Charles. F. Burns.) Appearances for United States None Appearances for accused. None Proceedings taken Complaint filed and Naturants issued for both defts, 1-4-68, Bothers to without warrant: "december informed of complaint and right to retain counced and preliminary hearing." Defts advised of their rights and right to a proliminary hearing. Defts educate the man adjournments taken, itc. In the feet and adjournments taken, itc. In the feet and adjournments taken, itc. Pefts advised of charge against them and advised the offense charged against them was not bailable. Both defts were remended to the custody of the U.S. Marshal for delivery at Tulsa, Oklahome. Bail fixed Not bailable., 19. Amount, \$ Bonded 19. by surety (name). Bail fixed Not bailable., 19. Amount, \$ Bonded 19. by surety (name). Address. Address. Address. , who justified by affidavit dated 19. [or] committed to.	to (name and title o	Letha Faye Vandi f officer) U.S. Maga	ver	(Name of d	iefendant)
Date Warrant/Summons for. to (name and title of officer). Substance of return. PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER: Date 1-4-68 Arrested by Special Agent, FB1 (In Norman) (Name) (Nam	Substance of re	turn Recd 1-4-68	at Miami, Okla and ex	ecuted by arrest of Da	avid Emm•
to (name and title of officer) Substance of return PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER: Date 1-4-68 Date 1-4-68 Arrested by Special Agent, FB1 (Name) on warrant of Charles F. Burns. Appearances for United States. None Appearances for united States. None Appearances for accused. Name Proceedings taken Complaint filed and Materiants issued for both defts, 1-4-68. Both defts present with dates, when appropriate a seriatin account of essential steps taken a hearing such as "complaint prepared." If arrest is without warrant: "defendant informed of complaint and right to retain counse and preliminary estages: "Preliminary examination waived." The prepared against them are not bailable. Both defts were remanded to the offense charged against them was not bailable. Both defts were remanded to the custody of the U.S. Marshal for delivery at Tulsa, Okl homa, for further proceeding sefore U.S. District Judge. Outcome Bound over to U.S. District Court at Tulsa, Okl homa, for further proceeding transmitted to clerk of district court (name) (name) (name) John E Chenousth, Jr Signature of tending officer) (Name) (tt Mitchell and	Let ha Fa ye Hohe	nberger aka Letha Fay	e Vandiver.	*****
to (name and title of officer) Substance of return PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER: Date 1-4-68 Arrested by Special Agent, FB1 If Chance of Issuing officer) Appearances for United States. None (Name) (Rame)					
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Appearances for United States	Proceedings on Firs	T Presentation of Ac		JAN 8 1968	
Appearances for United States	- 1-4-68		John & Chenometh, Jr	on warrant of Charles E.	Burns
Appearances for accused	Date	Arrested by	Special Agent, FB1	Without warrant. (Name of issui	ing officer)
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SUBPOENAS FOR WITNESSES ISSUED:	*	
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PRELIMINARY EXAMINATION:	United States (Name)	
(Not to be used if case was disposed of at first presentation)		\
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DateAppearances for	Accuseu	
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WITNESSES FOR UNITED STATES: (List names and address	es) WITNESSES FOR ACCUS	ED: (List names and addresses)

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Witness payroll containing names certific	ed to United States Marshal for	payment, 19
Proceedings taken		
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United States Commissioner.